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10/685,284	10/14/2003	Peter J. Donner	14012-047001/50-03-012	4912

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EXAMINER	
DAGOSTA, STEPHEN M	
ART UNIT	**PAPER NUMBER**
2683	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/685,284	DONNER ET AL.	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *40* is/are allowed.

6)☒ Claim(s) *1-16 and 18-39* is/are rejected.

7)☒ Claim(s) *17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11-18-2005 have been fully considered but they are not persuasive.

1. The applicant overcomes the examiner's objection to the drawings by stating that all the drawings are embodiments of the invention.

2. The applicant argues that claim 1 is not taught by the prior art (eg. environment and programmable). The examiner disagrees since the claim is broadly written and therefore broadly interpreted. The claim does not define in detail what an "environmental state" can/can't be and/or exactly what the "programmable rule" can/can't be. Therefore, Wieck (C4, L7-47) teaches sensing an occurrence in the vicinity (eg. door open, broken window) and programmed instructions for the phone to operate in a certain manner. Therefore, the phone can be adjusted/programmed to transmit alarms/alerts based on the local environmental state.

3. For claim 4, Wieck teaches detecting at least one occurrence (eg. open door, open window, broken window). The claim does not state that there are multiple events that must be monitored, it only states "identifying the environmental state" (singular).

4. For claim 9, the examiner broadly interprets Wieck's "level" as detecting whether or not an event has occurred (eg. has the door opened? Has a window been broken?). The claim is broadly written such that the examiner's interpretation reads on this claim.

5. For claim 14, Wieck teaches (C1, L45 to C2, L25) that various different communications systems/modes can be used to transmit data/voice/video/audio.

6. The remaining arguments, pertaining to the USC 102 rejection, appear to be duplicates and the reader is therefore referred to #1-5 above.

7. For claim 6, the examiner's rejection is upheld since his interpretation of the prior art is that Handley monitors multiple conditions (eg. smoke, temperature, etc) and sends alerts as necessary. The claim is written in a broad enough fashion for it to be broadly interpreted, hence the art reads on the claim.

8. For claim 10, the examiner's rejection is upheld since Powell teaches generically updating "software". Thusly, Powell provides means for one to update software/programs which one skilled would use to update Wieck's device (see office action)

9. As per claim 11, the examiner's rejection is upheld since Menard teaches that the system can send/receive data from two different devices (see figure 7).

10. The examiner believes all other "arguments" after claim 11 have been addressed.

11. The previously transmitted office action is attached for informational purposes only.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 8-9, 13-16, 18, 21-22, 24-27, 30-31, 33-34, 37-38 rejected under 35 U.S.C. 102(b) as being anticipated by Wieck US 6,011,967.

As per **claims 1, 16, 26 and 34,** Wieck teaches a method performed at a wireless device (title, abstract, figures 1-5, C1, L1-27), the method comprising:

detecting a signal representing an environmental state in the vicinity of the wireless device (abstract teaches a cell phone which operates in "alarm mode" and can detect alarm situations, eg. "occurrence of pre-determined events, usually undesirable events),

comparing the environmental state represented by the signal against a set of remotely programmable rules at the wireless device (C4, L7-38 teaches the ability to detect various different events, whereby the controller determines, via software/rules to

determine which alarm condition has been sensed and what to do. Also see C6, L38-52 which teaches further rules being invoked and C3, L44-48 which teaches the phone being programmed and C7, L30-35 which teaches the phone being "controlled", inherently via software programs/rules),

if the environmental state satisfies at least one of the rules, generating, based on the satisfied rule, a communication for transmission to a wireless network (C5, L19-25 teaches dialing a phone number when an alarm is detected).

With further regard to claim 16, Wieck teaches a controller/processor (figure 1, #12) and the ability to send audio of the occurrence to a remote location via RF link (C1, L45-65).

With further regard to claim 26, Wieck teaches a controller/processor (figure 1, #12) which stores computer programs for execution.

With further regard to claim 34, Wieck teaches a controller/processor (figure 1, #12) that can be programmed with software/rules which instruct the mobile on how to react to each different event occurrence (C1, L45-57 and C3, L34-51. Note that C3, L44-51 teaches "programming the phone to operate in a known manner or perform any other function that may be performed by a cell phone" which reads on a "rules editor" function).

As per **claims 2, 18 and 27,** Wieck teaches claim 1/16/26, further comprising:

detecting the environmental state (C4, L7-38 teaches detecting various different environmental states such as open door, open window, broken window, etc); and

generating the signal representing the environmental state (C4, L14-38 teaches using sensors to detect the event and send a signal to inform another of what event occurred. Also see C4, L50 to C5, L6).

As per **claim 4,** Wieck teaches claim 1, further comprising identifying the environmental state represented by the signal (C4, L14-38 teaches using sensors to detect the event and send a signal to inform another of what event occurred. Also see C4, L50 to C5, L6).

As per **claims 8, 24, 30 and 37,** Wieck teaches claim 1/16/26/34, wherein the communication is destined for a second wireless device (Wieck teaches the phone can be preprogrammed to dial any number, to include wired/wireless phones. C1, L45-56).

As per **claims 9, 21, 31 and 38,** Wieck teaches claim 1/16/26/34, wherein at least one of the rules specifies a level that an environmental state must exceed for the rule to be satisfied (Wieck teaches detecting open/closed state of doors/windows and broken/non-broken windows, which reads on the claim, C4, L6-38).

As per **claims 13, 22 and 33,** Wieck teaches claim 1/16/26, further comprising:

detecting a request to open a voice channel in response to the commllnication; and establishing the voice channel using the wireless device (C1, L45-65 teaches audio/voice being supported over the RF link).

As per **claim 14,** Wieck teaches claim 1, wherein at least one of the rules specifes multiple communications for an environmental state (C1, L45 to C2, L25 teaches multiple communications methods, eg. voice, audio, video, sounds, call to a different phone number, etc.).

As per **claims 15 and 25,** Wieck teaches claim 1/16, wherein the wireless device comprises a cellular telephone (figures 1-2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Wieck and further in view of Trajkovic US 2002/0067253.

As per **claim 3,** Wieck teaches claim 1 **but is silent on** wherein the signal represents sound level.

Trajkovic teaches "the monitoring device(s) 120 may monitor different entry points.....one or more doors, a trunk, and a hood of the automobile. In addition, the monitoring device(s) 120 may monitor the position of a retractable roof. Further, the monitoring device(s) 120 may detect other conditions of the automobile such as whether the automobile has sustained an impact, or whether a cracking sound was detected within the automobile such as may occur when a window is broken by an intruder" (Para. 20) which reads on sound level/detection.

It would have been obvious to one skilled in the art at the time of the invention to modify Wieck, such that the signal represents sound level, to provide means for sensing for sound in a monitored area along with motion, fire, smoke, etc..

Claims 5-7, 19, 23, 28-29, 35-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Wieck and further in view of Handley US 6,215,405.

As per **claims 5, 19, 28 and 35,** Wieck teaches claim 4/18/26/34, wherein identifying the environmental state determining an environmental condition associated with the state (C4, L7-12 and C4, L50 to C5, L6 teaches determining a condition and

level of condition, eg. determines if a window/door is open/close or if a window is broken or not. One skilled realizes that various other detectors/alarms are well known in the art, such as fire alarms, which can be set with a temperature gauge to measure and transmit the temperature) **but is silent on** and determining a level of the environmental condition.

Handley teaches " In addition to the keypad controller, other devices used in alarm and security systems may also be provided with programmable temperature sensors. For example, a smoke detector could be provided with the temperature sensor to provide for further functionality of the smoke detector. The temperature sensor could have programmed thresholds to allow it to function as a heat or rate of rise detector. The temperature sensor could also be programmed such that one of the actions taken could be to adjust the sensitivity of the detector for detecting fire conditions. If the temperature sensor finds that the temperature in the space being monitored is rising but at a rate less than the rate set for the rate of rise function, one of the actions taken could be to provide a local or remote trouble condition. Another potential action could be to adjust the sensitivity of the rate of rise or heat detector to provide an earlier warning of a potential fire condition" (C6, L1-17).

It would have been obvious to one skilled in the art at the time of the invention to modify Wieck, such that determining a level of the environmental condition, to provide means for understanding if the level of the problem warrants the user to perform an action, such as get help, or if the level is low and may be in error (eg. sensor shows a fire but the temperature has not risen).

As per **claims 6, 23, 29 and 36,** Wieck teaches claim 1/16/26/34 **but is silent on** wherein at least one of the rules comprises multiple conditions that must be satisfied.

Handley teaches a rule with multiple conditions since his unit can be programmed to detect smoke and a rise in temperature, to reduce false readings. " In addition to the keypad controller, other devices used in alarm and security systems may also be provided with programmable temperature sensors. For example, a smoke detector could be provided with the temperature sensor to provide for further functionality of the smoke detector. The temperature sensor could

have programmed thresholds to allow it to function as a heat or rate of rise detector. The temperature sensor could also be programmed such that one of the actions taken could be to adjust the sensitivity of the detector for detecting fire conditions. If the temperature sensor finds that the temperature in the space being monitored is rising but at a rate less than the rate set for the rate of rise function, one of the actions taken could be to provide a local or remote trouble condition. Another potential action could be to adjust the sensitivity of the rate of rise or heat detector to provide an earlier warning of a potential fire condition" (C6, L1-17).

It would have been obvious to one skilled in the art at the time of the invention to modify Wieck, such that at least one of the rules comprises multiple conditions that must be satisfied, to provide means for determining if there is an error condition (eg. have sensor check for both fire and high temperature, if iy shows a fire but the temperature has not risen, there is an error).

As per **claim 7,** Wieck teaches claim 1 **but is silent on** wherein the communication comprises a Short Message Service message.

Wieck teaches the mobile phone dialing a phone number when an alarm condition is detected (C1, L45-56). The primary examiner broadly interprets that the phone can be preprogrammed to send a text message since it can send an audio signal and/or video data (C1, L58 to C2, L2).

It would have been obvious to one skilled in the art at the time of the invention to modify Wieck, such that the communication comprises a Short Message Service message, to provide means for sending a text-type message along with other communication means disclosed by Wieck such as audio and video).

Claims 10, 12, 20, 32 and 39 rejected under 35 U.S.C. 103(a) as being unpatentable over Wieck and further in view of Powell US 2002/0103758.

As per **claims 10, 12, 20, 32 and 39,** Wieck teaches claim 1/10/16/26 **but is silent on** further comprising:

detecting a request to modify the programmable rules;

determining whether parameters for a rule have been received; and

if the parameters have been received, modifying the rules.

Powell teaches a method for performing programming changes via requests whereby "A method of making programming changes using plain text requests. A requestor can request a programming change in plain text and the software program converts the plain text to programming code. The method includes steps of: (1) receiving a plain text request for a programming change; (2) verifying that the requestor is authorized to request the change; (3) interpreting the request; and (4) making the requested change. The software may send a confirmation to the requester before and/or after the programming change. If the confirmation is sent before the change, the software waits for a reply from the user instructing it to proceed with the change. (Abstract, figure 1-2, and Paragraphs 9-16 teach high-level operations for a user to request and change parameters/rules of a program).

It would have been obvious to one skilled in the art at the time of the invention to modify Wieck, such that it detects a request to modify the programmable rules AND determines whether parameters for a rule have been received AND if the parameters have been received, modifying the rules, to provide means for the user/monitoring agent to reprogram the sensor(s) as needed (eg. to change thresholds if a sensor keeps alarming).

Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Wieck and further in view of Menard et al. US 2002/0080029.

As per **claim 11,** Wieck teaches claim 10 **but is silent on** wherein the request is from a second wireless device.

Wieck does teach a wireless phone which is capable of receiving calls (eg. for changing/controlling the phone/sensor).

Menard teaches a bi-directional detection system whereby it detects an event and alerts a user who may be in a diverse location whereby said user can then control the detector (abstract, figures 1, 5-6 and C2, L25-35).

It would have been obvious to one skilled in the art at the time of the invention to modify Wieck, such that the request is from a second wireless device to provide means for a remote user to reprogram the sensor(s).

Allowable Subject Matter

1. **Claim 40** allowed over the prior art of record. This claim recites a highly specific design which requires many intricate operations to be performed. As written, it is so specific that it cannot be interpreted to read on the prior art of record.

2. **Claim 17** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not teach a device which uses audio, visual and user-manipulative operations.

"an audio input device coupled to the processor, the audio input device operable to detect a user's voice and to generate a signal representative thereof',

an audio output device coupled to the processor, the audio output device operable to a visual output device coupled to the processor, the visual output device operable to receive a signal representative of visual information and to generate visual information representative thereof; and

a user-manipulable input device coupled to the processor, the user-manipulable input device operable to detect user manipulation thereof and to generate a signal representative thereof".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner
11-30-2005